

Appln. No. 09/743,225
Amd. dated May 6, 2004
Reply to Office Action of February 13, 2004

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 8-12 and 22-25 presently appear in this application, with claim 25 directed to non-elected species being withdrawn until genetic claims are allowed, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 11, 12, 22 and 23 have been rejected under 35 U.S.C. §102(e) as being anticipated by Buchardt (U.S. Patent 6,414,112) and under 35 U.S.C. §102(b) as being anticipated by Nametz (U.S. Patent 4,141,880). Both rejections are focused on the following phrase in claim 22 "a modified derivative... in which ... the amino acid residues have been replaced by a non-natural amino acid residue". The examiner states that the term "backbone" in the claims, without qualification, is subject to broad interpretation. The examiner further asserts that the claims do not require that the "conjugate" be branched and takes the position that the claims permit the "conjugate" to be an unbranched linear oligomer containing unnatural amino acids. Both rejections are now obviated by the positive recitation in base claim 22 that the multichain peptide conjugate is branched as supported by the disclosure in the specification as a whole. This recitation of "branched" does not raise a new issue as the

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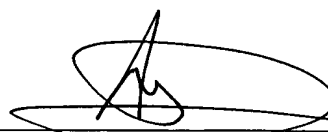
examiner clearly considered whether or not the conjugate is required by the claims to be branched as stated in the rejections. Furthermore, with regard to the term "backbone", this term is well understood in the art, as evidenced by the printout from the online BioTech Life Sciences Dictionary attached hereto, as being "the main structural feature of a polymer (chain-like) molecule from which many side chains branch off." Applicants' usage of this common term is consistent with this well understood definition in the art. Accordingly, the rejections over the Buchardt and Nametz references are now believed to be obviated.

Reconsideration and withdrawal of the rejections under §102(e) and §102(b) are therefore respectfully requested.

In view of the above, the claims define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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1. 1. backbone

Definition:

1. The spinal column, found in vertebrate animals, which runs along the dorsal side and contains the central nerve cord (spinal cord).
2. The main structural feature of a polymer (chain-like) molecule from which many side chains branch off.

END

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